

CHIR0018-100 (PP023352.001)
SERIAL NO.: 10/737,318

PATENT
FILED: December 15, 2003

REMARKS

Claims 1-72 were pending in the application. Claim 50 has been amended. New claims 73-82 have been added. Claims 1-49 and 52-72 have been cancelled without prejudice to presentation in future related applications.

Claim 50 was amended to further clarify the claimed invention. Support for the amendments to claim 50 and for new claims 73-82 can be found throughout the application as originally filed including, for example, in paragraphs [0014], [0027], [0046], [0062], [0082], [0183], [0184], [0200], [0205], [0207] - [0211], and [0213].¹

No new matter has been added.

Upon entry of this amendment, claims 50 and 73-82 will be pending.

Restriction Requirement

Claims 1-72 are subject to a restriction requirement. The Examiner required Applicants to elect one of twenty allegedly patentably distinct inventions for examination. The Office also required the election of a single gene or polypeptide sequence in the event that any of Groups I-XX is elected.

Applicants respectfully assert that several of the groups identified in the Office Action are amenable to further grouping and that such further grouping would not impose a serious burden on the Examiner. For example, Applicants respectfully assert that groups VIII and XII should be searched together especially considering that the Office has classified all in class 435, subclass 6. Groups X and XI could also be searched together groups VIII and XII with no undue burden as they have been classified in class 435, subclasses 7.1 (Group X) and 4 and 7 (Group XI). Applicants note that given that only one specific sequence will be searched, that single sequence search will provide results useful for each group. Although Applicants respectfully traverse the restriction requirement on the grounds that examining more than one invention would not constitute a serious burden, Applicants provisionally elect herein Group VIII, directed

¹ Paragraph numbers are as set forth in published application U.S. 2005/0202442A1.

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to claims 50-53 and drawn to a "method of screening an anticancer drug ...", classified in class 436, subclass 6. Applicants elect for examination SEQ ID NO: 57. New claims 73-82 depend from claim 50 and thus fall within the scope of Group VIII.

Applicants reserve the right to prosecute the claims encompassed by any of the non-elected groups in future divisional applications.

Change of Correspondence Address

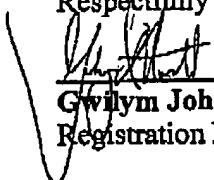
As set forth on the attached "Change of Correspondence Address" form SB-122, Applicants respectfully request that all future correspondence related to this application be directed to:

Customer Number 55255
SAGRES DISCOVERY INC.
Intellectual Property - R440
P.O. Box 8097
Emeryville, CA 94662-8097

Conclusion

The examination of the pending claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (215) 665-6904 to clarify any unresolved issues raised by this response.

Respectfully submitted,


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